



**LA PORTE COUNTY  
BOARD OF COMMISSIONERS**  
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**Richard Mrozinski**  
President

**Joseph Haney**  
Vice President

**Sheila Matias**  
Member

**LA PORTE COUNTY COMMISSIONERS' MEETING MINUTES**  
**Wednesday, September 1, 2021 La Porte County Complex Meeting Room 3 at 10:00 a.m.**

**President Rich Mrozinski** called the meeting to order at 10:00 a.m. followed by the Pledge of Allegiance. He asked for a moment of silence after the pledge for the 13 brave American service members who died in Afghanistan.

**Auditor Tim Stabosz** called the roll: Commissioner Mrozinski - Present; Commissioner Haney - Present; Commissioner Matias - Present. Quorum present therefore meeting commenced.

**Considered the agenda. Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered approval of August 18, 2021 minutes. Commissioner Haney motioned to approve. Commissioner Matias seconded. Motion carried.**

**Auditor Tim Stabosz** read the Claims with Payroll ending 8/27/2021 - \$1,149,034.44 and Operating Expense Claims - \$841,840.48. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Prior to Public Comment** President Rich Mrozinski reminded everyone of the Commission's adopted policy and to be respectful.

**Public Comment**

**Randy Veatch**, 4177 W. Schultz Road, La Porte, "Once again I find the agenda is lacking of any talk of overweight signs. Mr. Mrozinski, you stated at the meeting on August the 4<sup>th</sup>, and I'm quoting from the approved minutes, that a report would be given at the next meeting. It has come and went. Where was the report? I also asked Mr. Haney, as liaison of the highway garage, if he'd investigate overweight permits, active and inactive, around the neighborhood since the beginning of 2021. I did this request on August 10<sup>th</sup>, I got a reply back that I would need to put in a APRA request because of the time frame and the amount of information. I thought this to be a very small request and it was only for a calendar year, this calendar year. I asked him as liaison to the Highway Department on assignment by the President of the Commissioners how he is denied paperwork and by whose authority was he denied. Mr. Haney replied to me that it was the Highway Superintendent and that Attorney Friedman agreed with him. I question that, its current year permits. Why is this considered high level request when it comes from an appointed liaison? How much did it cost the taxpayers to get the answer from the attorney? I also asked Sheriff Boyd to investigate overweight traffic citations or stops that have been in the neighborhood. For his search I asked that he went back to January 2020 to July 2021. It was to me much more in depth report that was requested then the highway department. Some details have already been returned to me in less than one week. No run around just honest, straight forward answers. I got back one truck pulled over in July 2020, it was issued a citation for overweight and axle weight. I'm still working on getting more details on the company and the load. We want our signs back, we want our signs back, they belong to our neighborhood, we want them replaced in our neighborhood. This should have been done the same week this was reported instead here we are again at another meeting with the Commissioners blankly staring at anything in front of them. Yourselves making no eye contact - now I get some eye contact - while I mention the signs again, **still**, please, just order and vote the signs replaced like you should have done in the first place, those are our signs, they were ordered up by a sitting board. We know... we're now - we're pretty certain who ordered the signs down. After I come in and address this board I find that the sign - sand mining operation usually shuts down for a week or two. This happened again after the August 18<sup>th</sup> meeting, it's short-lived, on Tuesday, August 31<sup>st</sup>, we had trucks running again, not sure if they are hauling out materials, they did have materials going inbound but I'm not sure about outbound, it was - if it was it was lower levels which usually go on 94 and that's been discussed with you before, the loads when they travel on La Porte roads are high over the top and uncovered. Again, this is industrial work being performed in an industrial - I mean in a residential neighborhood. A simple reading of article 31 definition states this operation being conducted falls under that heading, again, this is without any permits required by the La Porte Zoning - La Porte County Joint Zoning Ordinance. Tuesdays trucking started around 8 a.m., the drive way to the industrial pit was bone dry, according to the paperwork that

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was supplied by the business owner to the La Porte County authorities which in turn the La Porte County authorities supplied to the State. This property was to be maintained to minimize airborne debris from leaving the worksite. It appears the trucks were also avoiding the tire cleaning grid as well. This is not the first time, its continued time practice, 6 years. May I approach? May I approach please?" **President Mrozinski** replied sure. Mr. Veatch distributes 2 color photos to the Commission for their viewing. He stated one picture shows a 'big, dust cloud' from a truck in the driveway that blows into his house, blows into his yard, for 6 years. He said this is not a man in a dream home, it is a business operation. He has many reasons why the business should not be in the neighborhood and said the Commission should be running out of excuses after 6 years to allow it to continue. He suggested they all sit down and talk about the zoning codes. He said it is an industrial business in a residential neighborhood. He thanked the Commission for their time. **Commissioner Matias** felt it was important to respond to Mr. Veatch's concerns. "This is been on my mind since before I was elected and it's, you know, we want to be transparent that we have tried hard very hard to work on this issue, legal funds have been spent on this issue trying to figure out ways at IDEM and down in Indianapolis to assist the neighborhood but the Judge has been very clear on saying what needs to be done next, we gave it to Mr. Haney to talk about the signs and I don't know where we are with that but I feel like if our present signage is not, is not - doesn't have enough 'teeth' in it because I understand there's something about delivery access and egress and our present sign ordinance then that should go back to the Zoning Board and have them look at our sign ordinance and see what other information should be added to it because this is definitely not a residential delivery of sand." **Attorney Friedman** agreed it should be looked at by the Plan Commission for possible amendments to the Commercial Truck Ordinance, the Overweight Truck Ordinance or even Joint Zoning Ordinance that might further define local deliveries because that seems to be the exemption. **Attorney Friedman** said his question was could local deliveries to residential be defined as only to construction or repair sites as part of an ongoing project. **President Mrozinski** said **Commissioner Haney** is the Highway Departments liaison and he sits on the Plan Commission so he will be able to give us a report at our next meeting on this subject. This is not a question and answer meeting. **Commissioner Haney** said he will respond to this under Department Head reports. **President Mrozinski** asked if there was anyone else for Public Comment. **Mr. Veatch** was still at the podium and proceeded to ask **Commissioner Matias** what Judge ruled on the issue to which she replied Judge Alevizos. **Randy** said it had not been adjudicated but **Attorney Friedman** said yes it was by Judge Alevizos. **Mr. Veatch** then said a nuisance order could have been applied but the County chose not to do it. Discussion was held on signs being removed from Mr. Veatch's neighborhood. **Attorney Friedman** and **President Mrozinski** both stated this issue is being investigated and hopefully answers for Mr. Veatch's questions will be available soon. It was also stated that it would not just be Mr. Veatch's neighborhood but the whole County for weight limit signs on the roads. **Mr. Veatch** asked for a meeting with all 3 Commissioners. Requested to be on the next agenda. **President Mrozinski** asked Mr. Veatch to have a seat so the business of the meeting can proceed. **Mr. Veatch** continued to question with what exemption? **Attorney Friedman** said it was not Q&A and that signs need to be consistent and uniformed throughout the whole County. **Mr. Veatch** continued with the question about what exemption the company was getting. **Attorney Friedman** replied the definition of local delivery which **Commissioner Matias** was inquiring to the Plan Commission to consider. **Mr. Veatch** continued by saying a business has been allowed to run in his neighborhood for the last 6 years. "Did you like that dust cloud (referring to the photos he handed to the Commission previously) of the photo I showed you? Did you like that dust cloud? Would you like that blowing in your yard every day? Would you like that? Would you like that? I don't like it. I don't like it in my house, I don't like it on my porch, I don't like it in my kitchen, I don't like it in my bedroom, I don't like the dust." **Attorney Friedman** reminded Mr. Veatch the Commission was able to get a 'stop work order' in 2019 and a similar 'stay order' in 2020. **Mr. Veatch** was adamant that it is an industrialized business running out of a residential area. He asked who sits on the Plan Commission Board and who authorized the paperwork to let this thing go then pass it on to MS4 who sent it to the State. He said it is not that complicated and he is tired. **President Mrozinski** stated enough time had been spent on this subject. **Mr. Veatch** thanked the Commission for their time then asked **Commissioner Haney** to follow up with his paperwork. He asked **Commissioner Matias** to respond to his email where Mike Polan 'trashed' him and threatened to take him to court. **Commissioner Matias** replied she has responded to his emails for the last 2 years. **Mr. Veatch** stated Mike Polan lied in the email saying Mr. Veatch was in court.

#### **Department Reports/Department Head Comments**

**Barb Huston**, E-911 Director, reported the updating of the 911 Center is complete and invited the Commissioners to come have a look around. The consoles have been moved and cleaning has taken place. Special thanks to Miner Electric for moving the consoles. Thanks to Marquiss Electric who came in at 6:00 a.m. to drill the holes in the floors. She thanked the Dispatchers for their patience and flexibility during the move. Barb also thanked Building Maintenance - Larry and Kaitlyn in the office. Joe, Sheila, Mary, Kelly and Kaitlyn who shampooed the carpets. Director Huston reported several months ago she received an email from the State who were looking for Dispatchers who would like to write on anything they might feel would impact the 911 Center. She asked Dispatcher Paige Young who agreed to write on stress management. The State has since contacted Paige and she will be presenting her written paper on October 11<sup>th</sup> at the NENA Conference in Indianapolis.

**Tony Rodriguez**, OCED, requested permission to approach the Council to apply a 3<sup>rd</sup> time to OCRA for the unserved residents of La Porte County with broadband not exceeding \$18,000. **Commissioner Matias** motioned to approve. **Commissioner Haney** seconded. **Motion carried.**

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**Amanda Lahners**, Health Department Director, reported on the recent increase in Covid cases which is moving the County in to the Orange color. We are seeing more positive cases and the numbers are more comparable to February and March of this year. She said the week of September 20<sup>th</sup> the hours for the Vaccine Clinic will be changing to Monday, Wednesday, and Friday 8:00 a.m. - 6:00 p.m. and Saturdays 8:00 a.m. - 3:00 p.m. at the former La Porte Hospital. September 20<sup>th</sup> the County should have Booster shots available for those that had their 2<sup>nd</sup> shot 8 months prior for either Moderna or Pfizer. The County currently stands at 52.3% fully vaccinated.

**Commissioner Joe Haney** updated his fellow Commissioners and Mr. Veatch on the missing weight limit signs in his neighborhood. "The signs were ordered down by the previous Board Commission Office. I was unable to ascertain 100% who specifically ordered it from the prior Commission." Commissioner Haney stated there is a different Superintendent at the Highway Department and the Commission is different than those who were in their positions when the signs were installed/removed. The signs went back in to the Highway inventory and are not missing or stolen. He had informed Mr. Veatch that instead of asking for an APRA request to be filled out he would treat the request as one and proceed with the information back to Mr. Veatch. Commissioner Haney gave an update on the permits which had only been received on this day in a packet and both Attorney Friedman and Commissioner Haney would look it over and get a response to Mr. Veatch. **Commissioner Matias** requested the Plan Commission to look at the zoning ordinance for sign posting and weight limits. Complaints have come in about heavy freight taking shortcuts through neighborhoods or on County roads. She asked if a motion or recommendation is needed to be made for this request. **Commissioner Haney** responded, "So for the vehicles that are, like taking a shortcut, for example, that's already prohibited under JZO and with our things, and regards to whether our signs are up or not, the entire County has weight limits on our County roads. The issue that we have in this neighborhood primarily is that because it is a local delivery even if we put the signs back up it's not going to address the concerns that some of the residents have that are about the trucks, because it's local delivery and not a shortcut through." Commissioner Haney said he could bring it up at the next Plan Commission meeting. **Attorney Friedman** suggested a motion be made on the record sending this item to the Plan Commission to study and evaluation of the term 'local delivery' can be further defined and further refined so that it is limited, what types of activity are permissible under that 'local delivery' into residential areas. **Commissioner Matias motioned to send to Plan Commission. Commissioner Haney seconded. Motion carried. President Mrozinski** said a good point was made however he will not be part of a 'witch hunt' that only puts signs out to satisfy one person that is going after 1, 2, 3 companies that are doing business. He stated Sheriff Boyd knows there are trucks sneaking down Severs Road, Fail Road and even 150 North. Weight limit signs will be posted throughout the County and not just targeting certain businesses on certain County roads.

### Requests

**Considered** permission to approach the Council for additional appropriations to pay 60 sick days to Joseph Pavolka who is retiring - John Boyd, Sheriff. Sheriff John Boyd stated Joseph Pavolka has served 44 years in emergency services and law enforcement.

**Commissioner Haney motioned to approve. Commissioner Matias seconded. Motion carried.**

**Considered** permission to trade out-of-date Scuba air tank filling system to Gregory Ake in return for safe winter storage for their Scuba van for three years. **Sheriff John Boyd** reported the scuba team uses this cascade system which provides breathing air for them but is out-of-date and was received free of charge by the Kankakee Fire Department between 15-20 years ago. A full day is required to fill the scuba tanks. La Porte Fire Department allows the team to fill the tanks from a fire house. Sheriff Boyd said the cascade system is labor intensive and loud therefore the trade for storage for the van is a win-win for them. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** agreement between Sheriff's Department and INDOT regarding installation of FLOCK technology paid for by grants to assist law enforcement - John Boyd, Sheriff. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** permission to pay 9.75 unused sick days to Richard Lambert who is retiring. Duane Werner, Highway Department Superintendent, said Mr. Lambert has been with the department a little over 41 years. Money is in their budget to pay him. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** permission to approach the Council for funds of \$4,300 to reimburse account due to 2 employees retiring - Jeff Thorne, Judge, Superior Court 3. After paying 2 employees that retired their unused sick days and vacation days this left the budget short for the remainder of this year. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** permission to travel to Austin, Texas for the 38<sup>th</sup> annual APS Conference October 18-21, 2021 and added travel to San Diego November 7-11, 2021 for the National APS Conference. **Katherine Schmitt**, APS Director, stated 1 employee will attend the conference in Austin then 2 investigators will attend the conference in San Diego. No money was requested due to a state grant that covers all of it. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** permission to approach the Council to request funding to satisfy the 'local match' requirement of adult guardianship grant. **Amber Poff**, Executive Director/Staff Attorney for Indiana Adult Guardianship Services, reported this is the 7<sup>th</sup> year this grant is applied for from the State Supreme Court that provides Adult Guardianship Services in La Porte County. It is a \$75,000 grant that requires matching local funds. In 2019 she approached the Council for the match, did not have to for 2020 but is returning for the 2021 year. Amber said her department works closely with APS, Health Department and Emergency Services for the County. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

### Old Business

**Considered** approval of contract with Marquiss Electric covering work of all sub-contractors including WJE, Harris Electric, USI and La Porte Construction on Phase II of the Franklin Street Bridge Rehab/Restoration Project. Andy Skwiat and Bruce Zimmerman were in attendance. **President Mrozinski** said this agenda item has been thoroughly discussed. **Commissioner Matias motioned to approve the contract as presented. Commissioner Haney** said he attended a fantastic meeting held between Marquiss Electric, Auditor, and Councilman Yagelski yesterday. He felt this is the best financial bet for the County. As for the I.C. code it covers special, unique and will have significant cost savings for the County by going with Marquiss Electric but the crux he said was in referring to the letter from Attorney Biege. After wrestling for several days with opinions from SBOA, Attorney Friedman, Attorney DiMartino and Attorney Biege, the ministerial portion of paying the contract is covered well and he said a couple of things stand out, the County Commissioners is the party to the contract. "The act of entering into the contract and that conduct would be by the County Commissioners, not the Auditor and that if a suit were filed the County Commissioners and La Porte County would be the ones who would be named. It goes back to the crux that a bridge is a public work which is specifically prohibited. I wish there was - I understand the spirit of the law and I wish that we could go with the spir - I could go with the spirit of the law but I think I have no choice but to go with the letter of the law on this because I wouldn't be able to look out at fellow citizens here in La Porte County for the Ordinances that we pass and say 'you have to abide by the letter of our Ordinances and our laws we pass up here but' so...with that I won't be able to seconded, sorry. I cannot." **President Mrozinski stepped down then seconded. Commissioner Matias** stated before she voted, "This is a public safety issue. Looking into the eyes of parents whose children are pulled out of that Lake, this is a public safety issue. There is no favoritism here, this is a public safety issue. That bridge is a lifeline from the Park and the 90 thousand people who come there for events, boat shows, festivals, to not support this is beyond my understanding, this is a public safety issue, a life and death situation and this company has been in our community for over a hundred years, **I support this fully.**" **Motion carried 2-1. President Mrozinski** personally apologized from the County to Marquiss Electric for the grief they have been put through during this situation. He heard about the meeting that took place yesterday. "I'm sorry that you had to endure that, I'm sorry your family and your business has had to endure this, it's absolutely ridiculous when somebody would question your integrity and to put the - La Porte County in a position where...the simple finances is one thing, when they would want to support something that would cost another 26 to 30 **million dollars** of tax payer money, for what? Because they don't understand the principle here, they don't understand what we're doing, they don't understand the laws as they are, I'm sorry that you had to put up with this, I will sign this contract as soon as this meeting is over and you'll get a copy of it so we can get this started and I hope that it's not too late to order these special made parts so that we can get the bridge fixed so that it will open next year because if it doesn't happen, we know whose head the responsibility will be on for this not happening. Again, your company, your person - both of you guys (Bruce Zimmerman and Andy Skwiat) and the guys you work with, these other companies (WJE, Harris Electric, USI and La Porte Construction) beyond approach, trying to do the right thing by saving the County millions of dollars to take care of this bridge - Bruce's Bridge, sorry, I know it's Bruce's Bridge, and to be rung through the wringer like this it's just an embarrassment to the County so I will sign that contract as soon as this meeting is over, I'll make sure you get it contracted before you leave." **Commissioner Matias**, "And thank you for your 40 years of maintaining that bridge, from your dad Andy, who was the first down in the hole, to you and to Bruce, who's truck is often there, middle of the night, you're coming home from dinner and there's Bruce's truck on a Saturday night at 11:00 p.m. fixing something at the bridge. During the blizzards, the Polar Vortex, God love Bruce, he's the man that's there, he responded 2 Sundays - 3 Sundays ago, at 5:00 p.m. on an August Sunday where the crowds were pouring out of Washington Park and the bridge was up like this (demonstrates with her hands angled like the pitch of a roof top, one higher than the other), in fact people were jumping or trying to jump from one plank to the other, the pedestrians trying to get passed the bridge, who was there in 10 minutes? Bruce, so -" **President Mrozinski** said what if it would have been a different situation, what if it would have been a drowning or needed an ambulance or a fire truck? He asked Attorney Friedman for any comments. **Attorney Friedman** made a brief statement, "It was exactly two months ago that I wrote the Commissioners and Council Officers giving the legal justification for using the special purchase statute to accomplish Phase II of the Franklin Street Bridge Restoration project only to be smeared and pilloried for the next two months by a couple of elected officials that what I was proposing was illegal, immoral and unethical. It represented bad legal advice they said, they were gonna drag a wonderful local company through the mud to score points. And here we are now, two months later, the letter that was obtained from WJE, which they exacted yesterday and was given to them this morning, contained exactly the same information I provided the SBOA with on August 2<sup>nd</sup>. And yet we had claims being made on social media that the Commissioners had suborned their integrity to me and why not do a sealed bid competition for a project that we said until we were blue in the face did not lend itself to sealed bid competition because this is a one of a kind bridge unlike any other of the 18,900 bridges in Indiana. And somehow the initial reaction of the State Board of Accounts was treated as if it was the word of God, an immutable truth as the Auditor proclaimed just 10 days ago he wasn't going to jail on this project. Now we have a letter from the former County Attorney Doug Biege..." **Auditor Tim Stabosz**, "Solicited by you." **Attorney Friedman**, "...sir, I'm

speaking. We have a letter from the former County Attorney Doug Biege that I asked for last Friday to finally convince, I thought, these two newly elected officials that no one is at risk for civil or criminal charges for processing these claims and as Doug put so well and I quote, 'any initial opinion of the SBOA is just that, a preliminary opinion.' Mr. DiMartino and I both said publicly, different lawyers can disagree on legal interpretation. That's not a violation of law, of ethics or morality. Doug Biege made clear in his letter the SBOA's initial position is 'their most conservative possible position I'm confident...' he wrote, '...that if the State Board of Accounts made any negative comment in any audit, it is likely they once could be reverse their position.' Commissioners, none of this drama, this showboating, this casting aspersions on my integrity or on two of the Commissioners, or anyone else including Marquiss Electric, was necessary. Thank heavens, with your vote today, this much needed restoration/rehab project can now proceed. Thank you." **Commissioner Haney - Nay.**

**Considered** contract of Cender & Company to assist Commission with putting together a proposed ARP spending plan and consider contract of Baker Tilly to assist Council with appropriation decisions on ARP funds with both firms available 'as needed' to assist County Auditor with ARP compliance/reporting obligations to U.S. Treasury and State Board of Accounts. **Attorney Friedman** stated both contracts had been reviewed and approved. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

### New Business

**Considered** bid opening for John Emery Road/700 North/NICTD Crossing - Mitch Bishop. **Mitch** said roughly 2 years ago the County received a grant and entered into a partnership via MOU with NICTD and INDOT. Since then the engineering has been completed for the T intersection in Hudson Lake at 700 North and John Emery Road. It is a safety project that is realigning the road to improve a line-of-sight issue. One sealed bid submitted in a timely manner by Rieth-Riley in the amount of \$265,530.65. Bid was turned over to Mitch Bishop for review. He will report back to the Commissioners at the next meeting with his recommendation. This is a 105% reimbursement grant. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** 2<sup>nd</sup> set of Bridge Names. **Bruce Johnson**, County Historian and on behalf of the Bridge Naming Committee, gave a brief background on each of the names listed for the 2<sup>nd</sup> set of signs to be made for County bridges. Gottlieb Marks, William 'Bill' Hager, Marlow Harmon, Burton 'Bud' Ruby, Benjamin H. 'Ben' Bortz, Jr., Frederick C. Mennen and General Joseph Orr. **President Mrozinski** said it's a lot of work to research the recommended names and it is appreciated. **Commissioner Matias** stated it is moving to know the depth of history that the Committee is researching on the individuals in our County. **Commissioner Matias motioned to approve. Commissioner Haney** thanked Bruce for the hard work that went into each description on the nominees' backgrounds. He acknowledged along with the first set of names that there are amazing people in our County however he believes Politicians should be kept out of the nominations and therefore did not seconded the motion. **President Mrozinski stepped down then seconded. Motion carried 2-1. Commissioner Haney - Nay.**

**Considered** Facilities Director's recommendation of L&K maintenance contract to ensure compliance with Indiana Code 36-1-21-1. As Director of Facilities Larry Levendowski approached the podium, **Attorney Friedman** added context for the record, "As County Attorney I have for years insisted on disclosure forms being filed by appointed or elected officials with a Public Servant had a pecuniary interest, essentially a financial interest, in a particular contract or purchase or if the contract would result in what is quoted as 'ascertainable increase in the income or net worth of the Public Servant or a dependent of the Public Servant.' All is required by Indiana Code 35-44.1-1-4. Mr. Stabosz is now insisted on adherence and to the Tiger standard listed in the contracting with the unit's statute at 36-1-21-1 and actually stated he will not pay claims for a particular maintenance firm partially owned by your (President Mrozinski) daughter until you filed a disclosure form, which you have done, even though the daughter's in no way a dependent and as Commissioner you don't benefit in any way from the contract." **Auditor Tim Stabosz**, "That's not relevant to the statute, that is not relevant to the statute." **Attorney Friedman**, "I'm speaking sir." **Auditor Stabosz**, "Do not mislead the public about the law Mr. Friedman. **President Mrozinski**, "Excuse me, you're not going to be out of order sir or you're going to be out of the room." **Auditor Stabosz**, "He is not going to be allowed to mislead the public, sir." **Attorney Friedman**, "I'm speaking Mr. Stabosz. Having nothing to hide about the transaction Mr. Mrozinski has filed the disclosure form and the particular maintenance contract is on the agenda today so the Facilities Director can indicate on the record and certify, which the rule requires, why he recommended the contract and why it represents the best offer of those submitted. With the new standard being required by the Auditor, we yesterday..." **Auditor Stabosz**, "By state law, sir, not by the Auditor." **Attorney Friedman**, "Sir, let me..." **Auditor Stabosz**, "By state law sir, you failed in your duties, sir." **Attorney Friedman**, "...let me finish. I know, I know." **President Mrozinski**, "Sir, the Attorney has the floor. I'm going to ask you to stop." **Auditor Stabosz**, "If he misrepresents the law I'm going to interrupt." **President Mrozinski**, "I'm going to ask you to stop or I'm going to ask the Sheriff to remove you." **Auditor Stabosz**, "He's misrepresenting the law, sir." **President Mrozinski**, "And I'm representing you." **Attorney Friedman**, "Mr. Stabosz, let me finish." **Auditor Stabosz**, "If you (President Mrozinski) would have done what you were supposed to do in the first place we wouldn't be here today Commissioner Mrozinski." **President Mrozinski**, "Hey, I'm in compliance, sir." **Auditor Stabosz**, "When? As of when?" **Attorney Friedman**, "Let me..." **Auditor Stabosz**, "When did he become in compliance Mr. Friedman?" **Attorney Friedman**, "He's filed..." **Auditor Stabosz**, "Answer the question Mr. Friedman, when did he become in compliance?" **Attorney**

**Friedman**, "...he's filed...he's filed the form..." **President Mrozinski**, "Mr. Stabosz, this is the last warning..." **Auditor Stabosz**, "When did he file it?" **Attorney Friedman**, "...he's filed it yesterday." **Auditor Stabosz**, "Oh, he filed it yesterday. He was supposed to file it two - before the contract was enacted four months ago. Thank you Mr. Attorney." **Attorney Friedman**, "With the new stan...Mr...with the new standard required by the Auditor..." **Auditor Stabosz**, "It's not a new standard by the Auditor, it's a state law sir!" **Attorney Friedman**, "Mr. Stabosz..." **Auditor Stabosz**, "You're misrepresenting the state law sir and you're an attorney, that's professional misconduct, sir, that's professional misconduct!" **Attorney Friedman**, "Okay ..." **Auditor Stabosz**, "I shouldn't have to do your job!" **Attorney Friedman**, "...there are different standards required by the law, okay, and it doesn't mean that adherence to the higher standard or the lower standard is in violation..." **Auditor Stabosz**, "Both are required under state law, it says it in the law sir, don't misrepresent it!" **Attorney Friedman**, "I'm finishing my statement..." **Auditor Stabosz**, "You are lying, you are misrepresenting state law sir!" **Attorney Friedman**, "Okay....with this standard..." **Auditor Stabosz**, "And I'm not going to allow it!" **Attorney Friedman**, "With this standard required by the Auditor we requested through the Auditor..." **Auditor Stabosz**, "It's requested by state law, you're misrepresenting it, you're lying!" **Attorney Friedman**, "Once again you're out of order ..." **Auditor Stabosz**, "It's not your position to say, it's Mr. Mrozinski's, you don't run the County!" **Attorney Friedman**, "Okay, we requested yesterday an updated vendor/supplier contractor list so that this office can supply to all County elected officials to make inquiry of their relatives and Mr. Stabosz recognized that we've made that request. The challenge comes in that the tougher standard defines relatives in a far more expansive way than the disclosure form statute, there are 2 statutes, 36-1-21-1 and 35-44.1-1-4, this will now require elected officials make inquiry not only of their spouse but also parent, step-parent, child, step-child, brother, sister, step-brother, step-sister, niece and nephew along with son-in-laws and daughter-in-laws and even aunts and uncles to determine whether any of them are either doing business with the County or are partial owners of firms that do business with the County. That's fine, that's now what's been imposed, we're going to ensure from our office's standpoint that it is applied across the board, not just to Mr. Mrozinski but that all elected officials will be inquired of them as to whether or not the elected official has either a pecuniary interest or, and not just a dependent but any relative where's there a contract there so that is the process that we've taken to implement, we've asked the Auditor for the full list of vendors/suppliers/contractors list so that we can supply it to all elected officials but that gives you some introduction so that Mr. Levendowski can now place on the record his reasons for recommending the contract to you (Commissioners)." **Larry Levendowski** explained how he came about recommending L & K Cleaning Contract. He reached out to 2 different cleaning companies to tour all of the County buildings and give an estimate of what it would cost to clean each building. He did this due to last year when several employees in his department had Covid and those waiting on test results were out of the office so his department was closed for two weeks. L & K were very uniformed in their pricing across the board for all buildings whereas the other company did come in cheaper on some of the buildings but the overall yearly cost was less for L & K. Larry's concerns were with the hourly pay for the other company versus L & K. The other company had \$5.00 an hour up to just under \$10 an hour. L & K were \$15-\$20 an hour. He asked for policies or requirements for their employees and again, L & K was thorough and defined yet the other company was a bit vague. **Commissioner Matias motioned to approve Larry Levendowski's recommendation of L & K Cleaning's contract with the qualifications he stated for accepting their contract.** **Commissioner Haney** asked if non-disclosure forms were signed by L & K Cleaning to which Larry said yes. **Commissioner Haney** inquired as to the post-it-notes at the Brown Mackie Building left by employees instructing the cleaning company on things not done. **Larry** responded he did not know anything about the notes but when something needed to be replenished the company did it within an hour of his phone call. He also said there were offices that did not want the cleaning company going into their rooms to clean or did not put their trash cans out to be emptied. **Commissioner Haney** said for the record that the contract in front of the Commissioners is 40% higher than the other contract. **Larry** replied not necessarily. The cleaning company is using products provided by the County and Larry felt this company would do a better job than the alternative company. **Commissioner Matias** amended her motion to add that any claims unpaid to L & K Cleaning be promptly submitted for payment. No seconded was heard so **Commissioner Matias motioned to accept the recommendation from Director of Facilities Larry Levendowski of L & K Cleaning contract based on their qualifications he accepted and to be sure they would be properly paid in a timely manner.** **Auditor Stabosz** stated there are no back claims unpaid. It was determined that the claims submitted to his office were in the name of one of the owner's and not the cleaning company name. They are paid up to date. It was stated that the company needs to be paid in their name and not one of the owners' name. **Commissioner Matias made a correction in her motion to reflect the claims be paid in the name of the company and paid timely.** **President Mrozinski stepped down then seconded. Motion carried 2-1. Commissioner Haney - Nay. President Mrozinski** said for the record the day he received the form he filled it out then the next day attempted 3 times to upload the document to the SBOA but he could not due to not having access to Gateway website. He then put it in the USPS mail. He then went to the Clerk's office to file his form and she told him she would upload it to the Gateway system.

#### Commissioner Comments

**Commissioner Haney**, "So tonight we had some various contracting questions that have come up along the way. The idea of strict adherence versus adherence in regards to IC codes 35 and 36 that would relate to disclosing relationships. Those are not overriding IC codes, they're meant to work hand-in-hand. One is if you want to use the stricter version, one is - violating one is certainly a criminal offense, the other is more of an administrative offense with civil penalties that would presumably be attached. The reason why State did that and the legislature did that is because they realized from the initial code there was a loop hole that if it was a Board, for example, that members of the Board could skirt very presumably the stricter, if you will, determination because they weren't individually appointing a contract, they were voting in favor of it as part of a larger group - Board of Commissioners, Council, you

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know, whatever the case may be so that's why the other statute or the other law here was imposed so it's important to understand those are mutually exclusive and they're meant to work together as well, one does not override the other, in fact, when you look at the civil side of things it specifically notes that it refers back to the criminal statute as well, that one does not override the other so I think that's an important distinction to make. One of the things that concerns me is this idea and this notion that somehow we can, you know, follow some laws and not follow others, that you know, adherence versus strict adherence, I mean we're a government body, we're elected officials, we're representatives of the people and I've always held the position that we need to be held to a higher standard." Although he doesn't believe there isn't anything shady going on the rules and laws are there for a reason. He wished his youngest daughter a Happy 15<sup>th</sup> Birthday. He attended an FMEC meeting where a tour took place of the fairgrounds. Plan Commission meeting took place as well. He reminded employees who have the County insurance to sign up their dependents online. Covid cases and vaccine locations are still being updated weekly. Enjoy the summer weather at our County Parks and most programs are either free or at a low cost. Commissioner Haney said at the beginning of our meeting there was an issue with seating for the Auditor and stated for the public that there is a statutory function required by state law that the Auditor, who represents a Constitutional office, is to attend the Commissioners' meetings. He said it is preposterous and Draconian to try to exclude him from the meeting today and makes absolutely no sense to him. He quoted Henry David Thoreau, "For a thousand hacking at the branches of evil there is one striking the root." "Mr. President, I intend to strike the root."

**Commissioner Matias** commented on the moment of silence after the Pledge of Allegiance for those American service members killed in Afghanistan. Please tell a veteran 'thank you' when you see one. She said it is difficult to see what is happening in Afghanistan right no matter what side of the aisle you may be on if at all. President Mrozinski showed her a photo of him as a serviceman in Vietnam and it touched her, she thought about her own father who was in the Royal Air Force. She has seen pictures of him in Egypt doing his job. Her step-son is a retired Marine Captain who led active duty troops in Afghanistan and her son-in-law, who is in the Navy, is being deployed this week on a 5 week mission out to sea. She thanked active duty and veterans for their service. Labor Day is coming up and it is to celebrate American Workers, those that built America from steel to rail to our prison system, our roads, and bridges. "At the height of the 1800's the average American worked 12 hour days, 7 days a week to earn a living. There were no laws at that time to protect children as young as 5 or 6, were in the mills, factories, and mines across our Country earning a small amount of money compared to the adults." The Labor Unions became vocal in the late 18<sup>th</sup> century to protect workers so children were not in those dire, poor conditions. Commissioner Matias stated she had a conversation with a citizen who told her there were no manufacturing jobs in our County. She said the County has been busy bringing businesses to our County even during Covid. Commissioner Matias reported on the highlights of job creations from 2019 to the present. The Midwest Trade Center, the vacant former Roundy's facility in Westville, is up to 65 million dollars combined in investments with 5 new companies employing 540 full time positions in the last 2 years. Dollar General, Pratt Industries, Tonn and Blank Construction, Lippert Components and Cash Commercial Cleaning Services. In business retention and expansion, Alexander Chemical retained approximately 70 positions, Sullivan-Palatek with approximately 120 jobs, E-PAK with 75 jobs retained and 10 new jobs, and Sims Meat Packing retained 40 jobs. For new companies, Corsicana Mattress with 350 positions and Hero Pet Hospital in Westville. Achievements on the Broadband side, ACME Communications has built 4 additional miles of fiber optic, Surf Broadband built approximately 25 miles of fiber and Kankakee Valley REMC fiber optic mirroring their electrical plant will basically open up the southern part of our County to business investments. She stated as for our plus ten positivity rate of Covid cases we are now double the positivity rate as the city of Chicago. Be cautious. Unvaccinated try not to travel and wear your mask in crowded places.

**Commissioner Mrozinski** said a new roof is finally being put on the County Museum and the building will be closed during this time. He stated the Michigan City Courthouse Project is on time and on budget. He reported there are over 90 cats at the Jane Bernard Animal Adoption Center and possibly for a few days there will be no cost to adopt one. **Commissioner Haney** motioned to allow the Adoption Center to waive fees for a period of time between 1-7 days and to return to pre-Covid hours at the facility in order to allow the public to come in after the 4:00 p.m. closing time for those that work during the day. **Commissioner Matias** said she is not in favor of the second part of the motion, allowing the shelter to be open after 4:00 p.m. There is currently a staff shortage at the Center. **President Mrozinski** said he is President of the Animal Advisory Board and last week there were only 2 employees working and 1 was a part-timer. **Commissioner Haney amended his motion to waive the cat adoption fees and allow Director Eric Hayes to determine the length of time not to exceed 14 days. Commissioner Matias seconded. Motion carried.** **President Mrozinski** went on to report on the expansion/retention Mike Seitz has been working on. Tony Rodriguez and Matt Reardon are doing a fantastic job of bringing new businesses to the County. The Love's Travel Plaza is moving forward, 39 North project still in the works, KOP as well. At the location of Highway 20 and Highway 35 a project is in process which includes a hotel and restaurant. He spent time with La Porte City's planner Nick Minich on the North-South Connector. President Mrozinski visited with the Governor. Also Congressman Jim Banks and then a representative from Todd Young's office and Congressman Mrvan's office on Veteran's issues. News coming out of Afghanistan is not good. We are coming up on the 20<sup>th</sup> anniversary of 9-11, September 11, 2001. He stated we don't need people being disruptive and negative. President Mrozinski said he heard the Auditor wanted to resume his statutory commitment as Secretary to the Commissioners therefore he could do the minutes from the meetings.

President Mrozinski adjourned at 12:01 p.m.

EXAMINED AND APPROVED BY THE  
BOARD OF COMMISSIONERS OF THE  
COUNTY OF LA PORTE, INDIANA  
DATE 9-15-2021

  
\_\_\_\_\_

ATTEST: \_\_\_\_\_ Auditor

LA PORTE COUNTY, INDIANA

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